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Attorneys for Defendant
ROKU, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SMARTDATA, S.A.,
Plaintiff,
v.
ROKU, INC.,
Defendant.

CASE NO. CV 13-01838 SI

**STIPULATION CONTINUING CASE
MANAGEMENT CONFERENCE; AND
~~[PROPOSED]~~ ORDER**

[Civil Local Rule 6-1(b)]

BACKGROUND

Plaintiff SmartData S.A. and Defendant Roku, Inc. (collectively, the “Parties”) respectfully ask the Court to postpone the initial case management conference currently scheduled for September 13, two days from now, as the parties are extremely close to resolving their differences, and need the extra time to complete negotiations and enter a stipulated dismissal with the Court.

Pursuant to Local Rule 6-2(a)(2), the Parties provide the following information regarding previous time modifications in this case. SmartData filed its complaint against Roku on April 23, 2013. The Parties stipulated for an extension of time for Roku to have through and including June 17, 2013 to file its response to Plaintiff's complaint. (Dkt. #5). Roku filed a motion to dismiss (Dkt. #10), after which SmartData amended its complaint (Dkt. #19). Roku answered the amended complaint on August 19, 2013. (Dkt. #26).

The initial case management conference has been continued on two occasions. The first stipulated continuation was due to a scheduling conflict. (Dkt. #6). The Parties stipulated for the second continuation in order to allow for more time for settlement discussions. (Dkt. #21). Those discussions have been successful, as the Parties have engaged in productive settlement discussions since stipulating to the continuation in July 2013.

The initial case management conference is currently set for September 13, 2013. (Dkt. #24). The Parties have agreed on some aspects of an agreement to resolve this matter, and believe that additional discussions in September and October 2013 will result in a settlement that would dispose of this matter. To that end, the Parties respectfully request that the initial case management conference be continued until November 1, 2013 with the other dates set by the Order Setting Initial Case Management Conference and ADR Deadlines (Dkt. #2) continued accordingly.¹

STIPULATION

For the foregoing reasons, and pursuant to Local Rules 16-2(e) and 7-12, the Parties hereto stipulate, by and through their attorneys that the initial case management conference be continued to November 1, 2013, or such later date as is convenient to the Court, with the other dates set by the Order Setting Initial Case Management Conference and ADR Deadlines (Dkt. #2) continued accordingly.

¹ The Parties have a phone call with the ADR officer scheduled for September 12 at 2:30 p.m. pursuant to their filing of a Need for ADR Phone Call form. The Parties anticipate that if the extra time does not result in the dismissal of this litigation, they will submit a stipulation for a different form of ADR, which will obviate the need for an ADR phone call.

1 IT IS SO STIPULATED.
2
3

4 Dated: September 11, 2013
5 MOUNT, SPELMAN &
6 FINGERMAN, P.C.

Dated: September 11, 2013
LATHAM & WATKINS LLP

7 LAW OFFICES OF
8 LARISA MIGACHYOV
9

By /s/ Larisa Migachyov

By Richard G. Frenkel

10 LARISA MIGACHYOV
11 Attorneys for Plaintiff
12 SMARTDATA, S.A.
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RICHARD G. FRENKEL
Attorneys for Defendant
ROKU, INC.

[PROPOSED] ORDER

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED THAT:

A case management conference will be held on November ~~1~~⁸, 2013, and the other dates set by the Order Setting Initial Case Management Conference and ADR Deadlines (Dkt. #2) are continued accordingly.

DATED: 9/12/13, 2013



THE HONORABLE SUSAN ILLSTON
United States District Judge

ATTESTATION CLAUSE

I, Richard G. Frenkel, hereby attest in accordance with General Order No. 45.X(B) that Larisa Migachyov, counsel for Plaintiff SMARTDATA, S.A., has provided her concurrence with the electronic filing of the foregoing document entitled STIPULATION CONTINUING CASE MANAGEMENT CONFERENCE; AND [PROPOSED] ORDER.

Dated: September 11, 2013

By Richard G. Frenkel